

**STATE OF CALIFORNIA
DIVISION OF MASS TRANSPORTATION**

STATE MANAGEMENT PLAN

**FTA NON-URBANIZED AREA FORMULA PROGRAM
(SECTION 5311)**

September 2007

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XXII. Attachments

- a. Division of Mass Transportation, Section 5311(f) – Intercity Bus Program
- b. Division of Mass Transportation, Section 5311 Application, October 2005
- c. Division of Mass Transportation, Section 5311 Handbook and Guide, April 2002
- d. State of California, Standard Agreement, Operating Assistance
- e. State of California, Standard Agreement, Capital Assistance
- f. State of California, Regional Program of Project (POP)
- g. Section 5311 - Facility Inspection Report and Shelters
- h. Section 5311 - Agency Monitoring
- i. Section 5311 - Vehicle Inspection Report
- j. Section 5311 - SAFETEA-LU Regional Apportionments
- k. Section 5311 - Data Collection for the National Transit Database (NTD)
- l. Section 5311 - Disadvantaged Business Enterprise (DBE) Requirements
- m. Section 5311 – Drug and Alcohol program compliance checklist 2007
- n. Section 5311 – Website Information

I. Program Goals and Objectives

- A. To ensure that California qualifies for its full share of Federal transit funding;
- B. To cooperate with local, regional, and private sector agencies to encourage and promote adequate, cost-effective rural public transportation services;
- C. To ensure that all program recipients comply with all Federal program guidelines and regulations; and
- D. To ensure a fair and equitable distribution of program funds to eligible recipients.

II. Roles and Responsibilities

- A. The California Department of Transportation (Department) has been designated by the Governor to administer the FTA Section 5311 program in California. Within the Department, the responsibility lies in the Division of Mass Transportation Program (DMT) Rural Transit and Procurement Branch (RTP).
- B. The DMT RTP Branch is responsible for implementation and administration and all related financial transactions of the FTA Section 5311 program. Responsibilities include establish policies and procedures, perform contract administration, project monitoring and ensure program compliance. RTP staff also works with district transit staff in the Department's 11 district offices. The responsibility of the District transit staff is to provide technical assistance to local transit agencies, and operators, transportation planning agencies (TPA) and other stakeholders.
- C. The Division of Accounting (DOA) encumbers funds and process payments. The following identifies each office with DOA and their responsibilities in the Section 5311 program.

1. Office of Financial Accounting and Analysis

Verify there is State budget authority (appropriations) for each project.

Reserve (encumber) funds for each project to set aside State budget authority for future expenditures.

Prepare financial status report for each grant via Transportation Electronic Award and Management System (TEAM).

"Close Out" completed projects in the Accounting system.

2. Office of Accounts Payable

Process payments to local agencies (fund recipients) through the State Controller

3. Office of Accounts Receivable

Process requests for reimbursement from FTA for each grant.

Prepare quarterly reports for Caltrans project managers and FTA through the "TEAM" website.

D. Outside the Department of Transportation

1. TPAs oversee transit-planning activities for their areas of responsibility, coordinate between transit operators where applicable, program funds and ensure the equitable distribution of funds to members. Equitable distribution includes the concept of environmental justice and ensuring groups such as Tribal Government receive their appropriate share of funds.
2. TPAs are responsible for including the specific project in the Federally Approved TIP.
3. Transit operators, including private providers, apply for funds and delivers projects. In some cases the TPA performs transit operations for the region.

III. Coordination

Each subrecipient is required to document efforts to coordinate service, to the maximum extent feasible, with other transportation providers and users, including social service agencies capable of purchasing services. This effort is documented in the 5311 Application Part VI.

IV. Eligible Subrecipients

- A. Eligible subrecipients include State agencies, local public bodies and agencies thereof, Tribal Governments, private nonprofit organizations and operators of public transportation services.
- B. The Department does not own or operate transit service. Typical state projects are consultant contracts for services where staff is not available or does not have the expertise to provide the needed service.
- C. Taxicab companies may coordinate with TPAs to receive funds. Private intercity bus operator may apply to the Department directly to the intercity bus program.

V. Eligible Services and Service Areas

- A. Eligible projects are mass transportation projects that must serve the general public in rural areas. Rural areas, areas that may receive funding are identified in the United State Census. The Federal government determines the eligible areas for 5311 funding. RTP staff ensures projects for areas determined by the Federal government are the only ones accepted in the 5311 program.
- B. The population serviced must primarily reside in California's rural areas. Such passengers may desire destinations outside of California such as Reno, Nevada or Oregon, however the primary purpose may not be to serve transit travelers in cities outside of California.

VI. Eligible Assistance Categories

The distribution of eligible assistance categories and the amount for both the Federal amount and local match are listed below:

Eligible Uses	Minimum Local Match	Maximum Federal Match
Bicycle facility project	10%	90%
Planning/Technical assistance	11.47%	88.53%
Capital purchases: vehicles with Americans with Disabilities Act Accessible equipment	11.47%	88.53%
Other Capital purchases	11.47%	88.53%
Operating Expenses	44.67%	55.33%

VII. Local Share and Local Funding Requirements

See the table above. With respect to operating expenses, the Federal shares shall not exceed 50 percent of the net operating deficit included in the project. Of the remainder of the deficit, 50 percent must be finance from sources other than Federal funds or revenues of the system (i.e. half of the local match must come from local funds). This restriction does not apply to the other half of the local share.

VIII. Project Selection Criteria and Method of Distribution of Funds

A. Each year, the apportionment allocated to California is distributed in the following manner:

- 70% to the Regional Apportionment for allocation on a population basis
- 15% to the Section 5311(f) Intercity Bus Program
- 15% to the Department's administrative costs

Under the Regional Apportionment, the distribution of funding for specific projects is determined by TPAs and they are responsible to allocate those funds in the most equitable and fair manner.

B. The Department's policy is to delegate activities to local level when ever feasible. Both the regional apportionment banked funds and carryover balances are programmed by the TPA of the region or county. The program of projects must be approved by their board prior to submission to the Department. In each application submitted by the subrecipient the TPA must certify that projects are approved by resolution of the TPA board.

VIII. Intercity Bus Transportation

Intent: The Federal Transit Administration (FTA) Section 5311(f) Intercity Bus Program in California is designed to address the "intercity bus transportation needs of the entire State" by supporting projects that support one or more of the National objectives and the State emphasis.

OBJECTIVE #1: To support the *connection* between non-urbanized and the larger regional or national system of intercity bus service.

OBJECTIVE #2: To support services to *meet* the intercity travel needs of residents in non-urbanized areas.

OBJECTIVE #3: To support the *infrastructure* of the intercity bus network through planning and marketing assistance and capital investment in facilities.

In California, the primary emphasis of the FTA Section 5311(f) program is to support the three National objectives. The Project should emphasize *coordination* and *connectivity* by providing a *meaningful connection*, with and *between multi-transportation modes* such as airport, rail, water (ferry/taxi), and local transit (bus and/or taxi) *between non-urbanized areas and urbanized areas*.

Both public and private transportation providers are eligible to receive FTA Section 5311(f) fund provided that the FTA Intercity Bus Program requirements are met.

On an annual basis, the State holds application workshops with District Transit Representative (DTR) and subrecipients. Application are received by the District Transit Representatives (DTRs) for completeness then sent to Caltran's Headquarters. RTP staff review and evaluate project applications. Applications that achieved an acceptable score will then be reviewed and evaluated by a broad-based selection committee comprised of Caltran's staff and external participants (e.g., transportation agencies, transit providers, and/or community-based organizations). Final project selection is based on application score and consensus by the selection committee.

X. Annual Program of Projects (POP) Development and Approval Process

POPs are submitted by TPAs by December 31st each year to the local Department District office. The amount available to program is based on guaranteed funding amount in legislation. The POP identifies the sub recipient, project and level of funding, identifying the Federal and local match. Subrecipients submit completed applications for approved projects programmed on the POP to Department District office. Staff at the district office review and work with the subrecipient to ensure the application is complete. See attachment 1 – application

XI. Funds Transfers

SAFETEA-LU transfer provisions allow for Section 5310, JARC and New Freedom funds to be transferred and administered by recipients under Section 5311 guidelines. Section 5311 funds can be transferred to the Section 5307 program for small urbanized areas, but not to JARC, Section 5310, or New Freedom.

XII. State Administration and Technical Assistance

- A. The RTP and District staff provides technical assistance to TPAs and local transit operators. Technical assistance focuses on application development, procurement and specification development, project delivery and vehicle and on-site agency inspection. Workshops for the district staff, TPAs and subrecipients are planned annually, as travel and funding are available.
- B. Appropriation of Section 5311 funds for State program administration and technical assistance is made annually by the State Legislature.

XIII. State Rural Transit Assistance Program

The Rural Transit Assistance Program (RTAP) is a legislatively mandated component of the Federal Transit Administration (FTA) 49 U.S.C. Section 5311(b)(2), which provides grants to states for transportation research, technical assistance, training, and related support services in non-urbanized areas. The RTAP provides a source of funding to assist in the design and implementation of training and technical assistance projects and other support services tailored to meet specific needs of transit operators in non-urbanized areas of California.

The State of California Department of Transportation, within the Division of Mass Transportation (DMT) administers its RTAP funds through a competitively bid contract advertised through the State of California Department of General Services. Currently the California Association for Coordinated Transportation Inc. (CalACT), a private non-profit association of small transit providers serving the rural transit needs of California is under contract with DMT from 12/1/06 to 11/30/09. There is no state-imposed local match associated with implementation of this contract. CalACT involves the transit operators through the CalACT conferences, driver safety rodeos, workshops, seminars, legislative updates, bulletins, newsletters, and scholarship activities.

Objectives:

- To promote the safe and effective delivery of public transportation in non-urbanized areas and to make efficient use of public and private resources.
- To foster the development of state and local capacity for addressing the training and technical assistance needs of the rural/small urban transportation community.
- To improve the quality of information and technical assistance available through the development of training and technical assistance resource materials.
- To facilitate peer-to-peer self-help through the development of local networks of transit professionals.
- To support the coordination of public, private, specialized, and human service transportation services.

- To assist in building a national and State of California database on the non-urbanized and small urban segment of the public transportation industry.

Contract Work Plan Elements:

1. Scholarship or tuition and expenses, including travel, for qualified individuals to attend workshops, training courses, conferences and rodeos that support transit. Scholarships will be awarded based upon criteria and recommendations developed jointly by the Contractor and the Division of Mass Transportation, thereafter referred to as DMT.
2. Information/material library available for use by operators, as well as other state programs to include training modules, videotapes, and training resources. The list of resources and how to check out materials will be made available to all interested parties.
3. Organize two conferences annually, one in the spring and the other in the fall, with a focus on topics to rural transit agencies. The location of the conferences will rotate between the northern and southern areas of the state.
4. At least two newsletters and five to six (5-6) RTAP bulletins published and distributed to rural operators (approximately 200 operators/agencies).
5. Coordinate one (1) driver safety rodeos every other year. The location will rotate between the northern and southern areas of the State. A safety rodeo is a competition among transit drivers consisting of a driving obstacle course and driver training.
6. Analyze and distribute legislation pertinent to general and rural transit, to operators and Caltrans.
7. Maintain a current electronic database of consulting services, equipment purchases, and specifications and make information available to operators.
8. Provide and organize a purchasing pool for shared purchases of equipment and supplies statewide. To be used by operators to help reduce the cost of purchase based on volume.
9. Develop and conduct training courses, materials and workshops throughout the state for transit operators. Workshops and training may include but not be limited to scheduling, road supervisors, management, operators (driver), dispatching, maintenance, and operations program compliance issues.
10. Outreach to non-traditional transit groups i.e., Native Americans, Community Based Organizations (CBO), and the low-income population.
11. Fund Multi-State Technical Assistance Program (MTAP) activities from the RTAP funds.
12. Coordination with DMT on calendar of workshops, shared training locations, joint mailings and types of training.
13. Develop Drug and Alcohol reviews and on site record checks.
14. Prepare a White Paper on the status of rural transit in California.
15. Conduct workshops on best practices with a symposium on rural transit.
16. Conduct a rural transit maintenance conference.
17. Conduct multi-day workshops.

XIV. Private Sector Participation

All subrecipients are required to certify that transit providers in the area, including private-for-profit operators fair and timely opportunity to participate to the maximum extent feasible in the planning and provision of proposed transit services. See application Part II, Certification of the regional transportation planning agency and Application Part I number 12.

XV. Civil Rights

- A. Title VI Urban Mass Transportation Administration Civil Rights Assurance: Subrecipients certify compliance with Title VI during the application and by annually submitting the current "Federal Fiscal Year FTA Certifications And Assurances Signature Page and the current Federal Fiscal Year Certifications and Assurances For Federal Transit Administration Assistance Programs."
- B. Subrecipients are requested to identify lawsuits or complaints and resolution to such. Information is submitted with each application. See Handbook and Guide, page Application 30, attached.
- C. During the on site monitoring, the reviewer will monitor regarding Title VI complaints.

XVI. Maintenance

Each subrecipient must have a maintenance plan to maintain ADA accessible features of equipment and facilities. During the annual on-site monitoring subrecipients must demonstrate compliance with this policy. Equipment management requirements, service life standards, disposition policies and notification of a change of the use of equipment are covered in the Handbook and Guide, Chapter X Equipment Management And Disposition. Handbook attached.

XVII. Charter Bus Rule

Subrecipients are prohibited from providing charter service using federally funded equipment if there is at least one private charter operator in the area willing and able to provide charter service. Exceptions to the rule may exist depending on the service area. Subrecipients certify compliance with Charter Rule in Application PART I number 1 and Standard Agreement number 47 and annual certifications and assurances. Monitoring occurs annually during the onsite-monitoring visit.

XVIII. Section 504 and ADA Reporting

Subrecipients certify compliance with Section 504 and ADA in the Application Part I; Standard Agreement number 38. Monitoring occurs annually during the onsite monitoring visits.

XIX. National Transit Data Reporting

SAFETEA-LU requires FTA Section 5311 subrecipients to provide annual reporting of rural transit data. DMT is responsible for the reporting of consolidated rural transit data for all Section 5311 subrecipients through the existing National Transit Data (NTD) Rural Data Reporting Module. Data that will be reported include annual revenue, total annual operating costs, total annual capital costs, fleet size and type, and related facilities, revenue vehicle miles, and ridership information.

The Division of Mass Transportation (DMT) is responsible for the reporting of consolidated rural transit data for all Section 5311 subrecipients through the existing National Transit Database (NTD) Rural Data Reporting Module.

On July of each year, each 5311 subrecipient is emailed the Rural General Public Transit Service Form (RU-20) along with the instruction manual. With the exception of subrecipients that also receive 5307 funding (5307 subrecipients already reports to the Urban NTD report), all 5311 subrecipients are required to submit the report to DMT by the end of September of that year.

The RU-20 form can be accessed using the link below

<http://www.ntdprogram.gov/ntdprogram/>

Instructions on filling out the RU-20 form is located at:

http://www.ntdprogram.gov/ntdprogram/pubs/RuralRM/2007/html/2007Rural_Manual.htm

After all subrecipients have submitted their RU-20 to DMT, DMT will consolidate all the data into one RU-20 form and submit that form to FTA by October 31 of that year.

XX. State Program Management

- A. **Procurement** – Each subrecipient is required to conduct procurement activities in accordance to their own procurement procedures that should reflect applicable State and local laws provided that it conforms to Federal law (FTA Circular 4220.1E). Certification of compliance is made a part of the subrecipient's application and Standard Agreement. RTP staff reviews all local procurement activities including bid documents, pre-award audit, bid analysis, proposed bid award, post delivery audit and final inspection. Guidance is provided in the Handbook, Chapter VII Procurement.
- B. **Financial Management** – Subrecipients must have established adequate accounting controls. Financial management responsibilities are set forth in the Standard Agreement section V which is signed by all subrecipients for each project awarded (copy of std. agreements attached.)
- C. **Property Management** - Vehicle Use, Maintenance, and Disposition – Subrecipients are instructed to maintain Section 5311 equipment. All equipment must be used as stated in the approved application. The Department has adopted the Federal useful life standard. Instruction is contained in the Handbook Chapter X Equipment Management and Disposition
- D. **Construction/Renovation of Facilities** – Construction projects are monitored during initial construction and annually during on-site inspection report (See attached G).
- E. **Accounting System** - The Department uses the Transportation Accounting Management System to record and track encumbrances and expenditures.
- F. **Audit** – The Departments Audits and Investigations Program performs an annual audit of the Office of Accounts Receivable.
- G. **Close-out** – When all projects in an open grant are reimbursed this office coordinates with the Office of Accounts Receivable Systems and Administration to reconcile financial records and complete closeout.
- H. **Project Monitoring** - Project Monitoring is the coordinated effort between the District and DMT. Elements of this monitoring phase may consists of meeting with the agency by the district and headquarters planner, once a contract is fully executed, determining all of the steps necessary to bring the project to completion and monitoring each phase of the plan to ensure it is completed on time.

Agency monitoring may require more than one meeting. The important point is to get a meeting of the minds as to exactly what are the required steps. Next assuring the agency obtains all of the preplanning, design and required approvals by local government, state government and possible FTA, for construction type projects. Once the preplanning is completed, DMT/DTR will closely monitor the bidding process and construction phase. Frequent visits to the site may be necessary. Finally close out and ensuring all ADA requirements are met and proper submission of request for reimbursement documents are provided.

- I. **On-site Reviews** – On site reviews occur annually. Attached is a copy of the monitoring forms.
- J. California does not set productivity, cost effectiveness, or service standards for the Section 5311 program. California's Transportation Development Act program requires each operator in a non-urbanized area to maintain a 10% fare box ratio.

XXI. Other Provisions

A. Section 533(b)

This office maintains a list of existing transportation providers and submits to DOL with each application to FTA. Also see Application Part V and Standard Agreement number 40.

B. Environmental protection

Subrecipients certify compliance Application Part I number 12. All construction project submit environmental survey See Handbook page Application-10 and VI-6

C. Buy America, pre-award and post delivery reviews

For procurements over \$100,000 documents are reviewed for inclusion of Buy America requirement prior to award. Also, pre-award audit and bid analysis are submitted to the RTP office for approval prior to award. Subsequent to project delivery, subrecipient must complete a post delivery audit and final inspection and submit the post delivery forms. See Standard Agreement.

D. School Transportation

Subrecipients may not provide school bus transportation. School bus transportation is defined by FTA as transportation by bus exclusively for school students or personnel. Subrecipients certify compliance with Application Part I and in the Standard Agreement. Monitoring occurs annually during the on-site monitoring visits.

E. **Drug and Alcohol Testing**

Sub recipients are required to maintain a compliant drug and alcohol-testing program. A checklist is provided to the DTRs for their use in monitoring the program at each agency for compliance to applicable FTA rules and policies. Yearly, the DTRs visit each agency and part of that review includes an assessment of the drug and alcohol program to determine if changes have been made in the last year that could affect a previously approved program. A checklist provided by the headquarters planner is used in this review. DTRs will interact with their headquarters' planners when any potential problems are noted. Headquarters planners will provide guidance to the DTRs in this task.

F. **Monitoring**

District staff performs annual monitoring activities. See attached forms.

G. **Intercity Bus Consultation Requirements**

SAFETEA-LU legislation requires States to have a consultation process that includes the affected carriers when making decisions on certifications. In the past some State have certified that there were no unmet rural intercity needs without having any meaningful dialogue with the carriers that provide the bulk of the service. State of California has not generally certified and substantially will meet this requirement if need arises. Intercity Bus consultation requirements are being developed by KFH consulting firm.